



**Weili Cheng, Ph.D.**  
*Registered Patent Attorney*  
**cheng@tnw.com**

December 1, 2004

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Re: U.S. Patent Application No. 09/991,933 filed 11/26/2001  
Applicant: Beth E. Drees, et al  
Title: **ASSAYING APPARATUS, KIT, AND METHOD FOR LIPIDS AND ASSOCIATED ENZYMES**  
Group Art Unit: 1641  
Attorney Docket No. 22155

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement. Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 34 references submitted for consideration.
- ☒ Legible copies of the listed references or their relevant portions.
- ☒ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☐ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

## The Team Approach to Premier Performance

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:


- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. \_\_\_\_\_, filed on \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☒ Check No. 20835, which includes the amount of \$180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Respectfully submitted,



M. Wayne Western  
Attorney for Applicant  
Registration No. 22,788

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

  
MWW/WC:ll




IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1641  
EXAMINER: Gary W. Counts  
APPLICANT: Beth E. Drees, et al  
SERIAL NO.: 09/991,933  
FILED: 11/26/2001  
CONFRM. NO.: 8812  
FOR: ASSAYING APPARATUS, KIT, AND  
METHOD FOR LIPIDS AND  
ASSOCIATED ENZYMES

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: December 1, 2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Lucy Leek, Secretary

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☐ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☒ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently

aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☒ A legible copy of each listed U.S. Patent or publication (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is enclosed pursuant to 37 C.F.R. §§ 1.97 and 1.98.

☒ A legible copy of each of the listed non-patent literature and foreign documents or their relevant portions is enclosed.

☐ Copies of cited U.S. patents and/or publications are NOT enclosed pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. § 1.98(a)(2)(i).

☐ Copies of the references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 1st day of December, 2004.

Respectfully submitted,

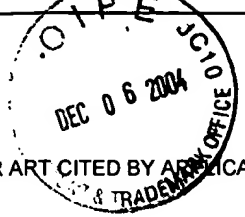


M. Wayne Western  
Attorney for Applicant  
Registration No. 22,788

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633



MWW/WC:II  
Enclosure

PTO-1449  LIST OF PRIOR ART CITED BY APPLICANT		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
		ATTY. DOCKET NO. 22155	SERIAL NO. 09/991,933
		APPLICANT <b>Beth E. Drees, et al</b>	
FILING DATE 11/26/2001		GROUP 1641	

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	2002/0028477	03/07/02	Goueli, et al			
	A2	5,731,415	03.24.98	Gazzano-Santoro, et al			
	A3	5,741,689	04.21.98	Dhand, et al			
	A4	5,824,492	10.20.98	Hiles, et al			
	A5	5,846,824	12.08.98	Hiles, et al			
	A6	5,885,777	03.23.99	Stoyanov, et al			
	A7	5,948,664	09.07.99	Williams, et al			
	A8	5,955,277	09.21.99	Hansen, et al			
	A9	5,972,595	10.26.99	Kasila, et al			
	A10	6,001,354	12.14.99	Pot, et al			
	A11	6,043,062	03.28.00	Klippel, et al			
	A12	6,194,173	02.27.01	Czech, et al			
	A13	6,238,903	05.29.01	Krystal			
	A14	6,274,327	08.14.01	Hiles, et al			
	A15	6,291,220	09.18.01	Williams, et al			
	A16	6,300,111	10.09.01	Klippel, et al			
	A17	6,436,671	08.20.02	Domin, et al			
	A18	6,482,623	11.19.02	Vanhaesebroeck, et al			

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A19	PCT/US97/18152 WO 98/15629	07.10.1997 16.04.1998	US			
	A20	PCT/US02/37116 WO 03/046202	20.11.2002 05.06.2003	US			
	A21	PCT/GB97/01471 WO 97/46688	30.05.1997 11.12.1997	GB			
	A22	PCT/GB01/03481 WO 02/12276	03.08.2001 14.02.2002	GB			
	A23	PCT/US01/17554 WO 01/92560	31.05.2001 06.12.2001	US			

## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	A24	Klarlund, J. et al, Signaling by Phosphoinositide-3, 4,5-Trisphosphate Through Proteins Containing Pleckstrin and Sec7 Homology Domains, <i>Science</i> , Vol 275, 1927-30 (1997)
	A25	Roymans, D. et al, Phosphatidylinositol 3-kinases in tumor progression, <i>Eur J Biochem</i> , Vol. 268, 487-98 (2001)
	A26	Franke, T. et al, PI3K: Downstream AKTion Blocks Apoptosis, <i>Cell</i> , Vol 88, 435-7 (1997)

PTO-1449  LIST OF PRIOR ART CITED BY APPLICANT	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 22155	SERIAL NO. 09/991,933
		APPLICANT      Bethe E. Drees, et al	
		FILING DATE 11/26/2001	GROUP 1641

A26	Klippel, A. et al, Activation of Phosphatidylinositol 3-Kinase is Sufficient for Cell Cycle Entry and Promotes Cellular Changes Characteristic of Oncogenic Transformation, <i>Mol Cell Biol</i> , Vol 18, No. 10, 5699-711 (1998)
A27	Dowler, S. et al, Identification of pleckstrin-homology-domain-containing proteins with novel phosphoinositide-binding specificities, <i>Biochem J</i> , Vol 351, 19-31 (2000)
A28	Frech, M. et al, High Affinity Binding of Inositol Phosphates and Phosphoinositides to the Pleckstrin Homology Domain of RAC/Protein Kinase B and Their Influence of Kinase Activity, <i>Journal of Biological Chemistry</i> , Vol 272, No. 13, 8474-81 (1997)
A29	Phillips, W. et al, Increased Levels of Phosphatidylinositol 3-Kinase Activity in Colorectal Tumors, <i>Cancer</i> , Vol 83, No. 1, 41-47, (1998)
A30	Bird, I., Analysis of Cellular Phosphoinositides and Phosphoinositols by Extraction and Simple Analytical Procedures, <i>Methods Mol Biol</i> , Vol 27, 227-248 (1994)
A31	Chan, A. et al, CD7-mediated regulation of integrin adhesiveness on human T cells involves tyrosine phosphorylation-dependent activation of phosphatidylinositol 3-kinase, <i>Journal of Immunology</i> , 159(2), 934-942 (1997)
A32	Gray, A. et al, The pleckstrin homology domains of protein kinase B and GRP1 (general a/receptor for phosphoinositides-1) are sensitive and selective probes for the cellular detection of phosphatidylinositol 3,4-bisphosphate and/or phosphatidylinositol 3,4,5-trisphosphate in vivo, <i>Biochemical Journal</i> , 344(3), 929-936 (1999)
A33	Kavran, J. et al, Specificity and Promiscuity in Phosphoinositide Binding by Pleckstrin Homology Domains, <i>Journal of Biological Chemistry</i> , 273(46), 30497-30508 (1998)
A34	Piccione, E. et al, Phosphatidylinositol 3-Kinase p85 SH2 Domain Specificity Defined by Direct Phosphopeptide/SH2 Domain Binding, <i>Biochemistry</i> , Vol 32, No. 13, 3197-3202 (1993)
EXAMINER	
DATE CONSIDERED	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.